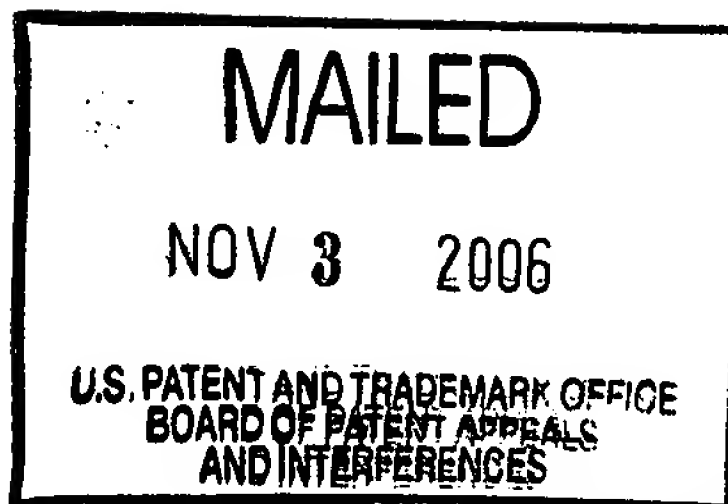


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte MARC TREMBLAY

Application 09/583,097

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on November 2, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

An examination of the Image File Wrapper (IFW) reveals that an Examiner's Answer was mailed September 22, 2005.

Section § 1207.02 of the Manual of Patent Examining Procedure

(MPEP) (8th Ed., Rev. 3, August 2005) states:

Requirements for Examiner's Answer

The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

....

(8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

It is noted that while the Examiner's Answer states that "[n]o evidence is relied upon by the examiner in the rejection of the claims under appeal" [page 2 under the caption "(8) Evidence Relied Upon"], the claim rejection is listed as follows:

Claims 9-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Sites et al. U.S. Patent No. 5,193,167 (hereinafter referred to as Sites) [page 3].

Correction is required.

In addition, a Power of Attorney was filed on November 1, 2006.

There is nothing in the record to reflect that this Power of Attorney has been processed.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for submission of a revised Examiner's Answer which corrects the "Evidence Relied Upon" section;
 - 2) for processing of the Power of Attorney filed November 1, 2006;
- and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: G.P. Edgelee per Dale Shaw
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